

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 3, 2003**

The Tippecanoe County Commissioners met on Wednesday, September 3, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Shedd moved to approve the minutes of the August 18, 2003 Regular Meeting as distributed, seconded by Commissioner Knochel; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

Commissioners Assistant Jennifer Weston recommended approval of the Accounts Payable Vouchers for the periods ending August 22, 2003, August 29, 2003, and September 3, 2003 with the exception of #4792 to Susan Snyder in the amount of \$1,103.67.

- Commissioner Knochel moved to approve the Accounts Payable Vouchers as submitted with the exception of #4792, seconded by Commissioner Shedd; motion carried.

HIGHWAY: Executive Director Mark Albers

AWARD SALT QUOTES

Mr. Albers announced they received three Salt quotes for 1,600 tons more or less. North American Salt had the low quote followed by Morton Salt, and Cargill. He recommended awarding to the two lowest so they will have a back-up if North American's supply runs low. Commissioner Shedd thought they should award to all three.

- Commissioner Shedd moved to award the Salt Quotes to North American Salt, Morton Salt, and Cargill for 1,600 tons more or less, seconded by Commissioner Knochel; motion carried.

SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES: DLZ

Mr. Albers recommended approval of the Supplemental Agreement for Professional Services with DLZ for Phase 3 of the McCarty Lane Project from CR 550 E to SR 26. The Agreement includes \$314,000 for Final Plan Preparation, \$28,800 for Right-of-Way Engineering, and \$21,200 for Co-ordination of the project for a total not to exceed amount of \$519,800. Mr. Albers expects the completion of the Plan by the end of 2004 and the commencement of construction early 2005.

- Commissioner Shedd moved to approve the Supplemental Agreement for Professional Services with DLZ for Phase 3 of the McCarty Lane Project, seconded by Commissioner Knochel; motion carried.

WARRANTY DEEDS: CR 200 N Project

Mr. Albers submitted for acceptance the following Warranty Deeds and Temporary Grants of Right-of-Way for the CR 200 N Project.

Key #112-01801-0016: Parcel #39

A part of Lot 1 of the Braunfels SD; A part of the NE ¼ of Sec 18, Twp 23 N, R 3 W, in Perry Twp,
from Hahns Lewis & Deborah Lou Pohlenz.

Key #112-00700-0468: Parcel #9

A part of the SW fractional $\frac{1}{4}$ of Sec 7, Twp 23 N, R 3 W in Perry Twp from Edward L. & Barbara J. Brettnacher.

TEMPORARY GRANT OF RIGHT OF WAY: CR 430 S Project

Mr. Albers submitted for acceptance the following Temporary Grants of Right-of-Way for the CR 200 N Project.

Key #112-00700-0468: Parcel #9A, #9B, and #9C:

A part of the SW fractional $\frac{1}{4}$ of Sec 7, Twp 23 N, R 3 W in Perry Twp from Edward L. & Barbara J. Brettnacher

- Commissioner Shedd moved to approve the Warranty Deeds and Temporary Grants of Right-of-Way for the CR 200 N Project, seconded by Commissioner Knochel; motion carried.

COUNTY UTILITY EASEMENT: Lauramie Township Regional Sewer District

Mr. Albers explained this document will allow the Lauramie Township Regional Sewer District access to the County right-of-way for location of their sewer utilities. The County will waive any fees, but the District will be held responsible for any damage. The contractor will post the necessary bonds.

- Commissioner Shedd moved to approve the County Utility Easement document, seconded by Commissioner Knochel; motion carried.

CERTIFICATES OF INSURANCE

- ♦ Western Reserve Group for Phillip Carlson
- ♦ Harleysville Mutual Company for Interstate Road Management Corp

ORDINANCE 2003-41-CM: UZO Amendment #40: Area Plan Assistant Director Sallie Fahey

Ordinance 2003-41-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-41-CM, seconded by Commissioner Knochel.

(quote)

August 21, 2003
Ref. No. 03-494

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **UZO AMENDMENT #40 (OMNIBUS AMENDMENT):** Minor changes to Chapters 3, 4, 5 and 6, more specifically: permitting job training and vocational rehab services and residential care by special exception in A and AW, allowing changeable copy signs in rural zones, creating gateway sign requirements, eliminating the requirement for two permits for temporary signs, and requiring screening for building contractors with rural home occupations

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 20, 2003, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

(unquote)

Mrs. Fahey noted changes to five sections:

1. Job Training, Vocational Rehabilitation Services, Residential Care:
Allows both SIC Codes 833 and 836 by special exception in the Agricultural and Agricultural Wooded zoning districts.
2. Allowing Changeable Copy Signs in Rural Districts:
Changeable copy signs will be allowed in A, AA, and AW zones with a sign permit. This will allow farm stands to advertise what produce is available on site.
3. Subdivision Gateway Sign Requirements:
It describes which zones these signs are permitted in; insure they will not be placed within a right-of-way; require they not be placed within the "vision clearance triangle" at intersections, limit them to no more than two signs at any one entrance; and require they be located within a sing or landscape easement or a platted outlot.

4. Requiring Two Permits for Temporary Signs:

Two permits for temporary signs will no longer be required. The need for an improvement location permit and/or sign permit will be eliminated and an error in a section number reference is corrected.

5. Requiring Screening for Building Contractors with Rural Home Occupations:

Outside storage of equipment and/or materials should be buffered whether it is a contracting business or a rural home occupation.

With no questions or comments, Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2003-41-CM passed 3 – 0.

ORDINANCE 2003-42-CM: Z-2136, Danny & Henrietta Pattengale GB to R1

Ordinance 2003-42-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-42-CM, seconded by Commissioner Knochel.

(quote)

August 21, 2003
Ref. No.: 03-502

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2136--DANNY E. & HENRIETTA Y. PATTENGAL (GB TO R1):** Petitioners are requesting the rezoning of one lot located on the southwest corner of Railroad Street and Strong Avenue, in Colburn, Washington 24 (NW) 24-3. CONTINUED FROM THE JULY MEETING.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 20, 2003, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from GB to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 3, 2003, 10:00 A.M. meeting.

Sincerely
/s/James D. Hawley
Executive Director

(unquote)

Because no one immediately come forward to present the petitioners' request, Commissioner Shedd moved to deny it. Commissioner Knochel said he would not second the motion because he wanted to act on the request today.

When the petitioner, Henrietta Pattengale, realized the Commissioners were addressing her rezone request, she came forward. She asked the Commissioners to approve the zoning change from GB to R1 because they want to build a pole barn.

With no other comments, Auditor Plantenga recorded the vote:

Ruth Shedd Yes
John Knochel Yes
KD Benson Yes

- The motion to approve Ordinance 2003-42-CM passed 3 – 0.

SUBDIVISION VARIANCE: S-3336-Shangrila SD : George T. & Ruby P. Tsao

- Commissioner Shedd moved to hear and approve the variance requests for Shangrila SD, seconded by Commissioner Knochel.

Representing the petitioners, Attorney Joe Bumbleburg and Engineer Bob Grove appeared to present the requests:

1. Mr. Bumbleburg requested a variance to waive the required half-width improvements to 320.78 ft. of CR 300 W frontage. He said, in the developers opinion, it is not a safe option to widen the road for that distance at this time. After the Highway Department determines the value, the developer agrees to put that amount of money in escrow for use when the entire road is widened.
2. Mr. Bumbleburg requested a variance to reduce the required straight approach to an intersection from 100 ft. to 75.59 ft. to allow the developer to save some nice trees. Mr. Grove explained that, to ensure adequate sight distance, they widened the right-of-way that will be under the County's total control.

Addressing the second request first, Highway Executive Director Albers said they were concerned with the sight distance angle but feel the petitioner has addressed that concern. Addressing the first point, he said they determined the value of the half-width improvement at \$2,800 that the developer will be required to put in escrow for use when the improvement is necessary.

- The motion to approve the variance requests carried.

RESOLUTION 2003-27-CM: Authorizing Application for Voting System Reimbursement: Clerk Linda Phillips

Resolution 2003-27-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Mrs. Phillips requested approval of this Resolution that will authorize her to apply on behalf of the County for voting system reimbursement funds (Help America Vote). She estimated the County could receive \$270,000. Commissioner Shedd asked if this money can be used to reimburse the loan to purchase the voting system. Attorney Luhman confirmed it can.

- Commissioner Shedd moved to approve Resolution 2003-27-CM, seconded by Commissioner Knochel; motion carried.

RESOLUTION 2003-28-CM/CL: Voting System Improvements: Clerk Linda Phillips

Resolution 2003-28-CM/CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

By the end of 2003, she said we must submit a report showing that all polling places in the County are accessible to disabled voters.

- Commissioner Shedd moved to approve Resolution 2003-28-CM/CL, seconded by Commissioner Knochel; motion carried.

The County Council will be asked to approve the Resolution at their September 9th meeting.

FEDERAL HIGHWAY GRANT AGREEMENT: Demonstration & Evaluation of Rational Speed Limits

Grant Coordinator Jessica Rebmann announced the Highway Department is one of only two recipients of a grant for Evaluation of Rational Speed Limits and presented the Cooperative Agreement in the amount of \$290,629 for the Commissioners' approval. Highway Traffic Supervisor Cindy Coddington will be Project Manager, Purdue University representative Michael Gillaspay will be in charge of statistical studies, and Sheriff's Capt. Rick Walker will be in charge of enforcement. The Commissioners were also asked to approve Agreements with Indiana Design Consortium, Inc. and Purdue University Center for Advancement of Transportation Safety to provide certain services for the Project.

- Commissioner Shedd moved to accept the Federal Highway Grant Agreement and approve agreements with Indiana Design Consortium, Inc. and Purdue University Center for Advancement of Transportation Safety, seconded by Commissioner Knochel; motion carried.

TITLE V COMMUNITY PREVENTION GRANT AWARD: Indiana Criminal Justice Institute: Superior Court III Fiscal Officer Kathy Timberlake

Mrs. Rebmann announced Superior Court III received an Indiana Criminal Justice Institute Title V Community Prevention Grant in the amount of \$112,500 effective from July 1, 2003 through June 30, 2004. Ms Timberlake said this grant was previously awarded on a three year cycle, but they were notified funding was not renewed so they only have funding for one year. The local match was provided by CFRC (Community Family & Resource Center).

- Commissioner Shedd moved to accept the Title V Community Prevention Grant, seconded by Commissioner Knochel; motion carried.

ROMNEY SEWER COMMITTEE: State Budget Agency Planning Grant Application: Randolph Township Trustee Marcella Maynard

Mrs. Maynard reported the Romney Sewer Committee held a public meeting regarding their proposed sewer project and experienced very little conflict. Since they have to apply through the Commissioners, she asked them to ratify their application for a \$25,000 Planning Grant to the State Budget Agency.

- Commissioner Shedd moved to ratify the Romney's Grant Application to the State Budget Agency, seconded by Commissioner Knochel; motion carried.

NEW DIRECTIONS: Department of Commerce Grant: Ken Anderson, Kenna Consulting**RESOLUTION 2003-29-CM: Authorizing Application Submission & Local Match Commitment**

Resolution 2003-29-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Mr. Kenna explained this resolution commits the local match of \$450,000 New Directions secured in an Affordable Housing Program Grant from the Federal Home Loan Bank of Indianapolis.

- Commissioner Shedd moved to approve Resolution 2003-29-CM authorizing application submission and local match commitment for New Directions, seconded by Commissioner Knochel; motion carried.

CERTIFICATIONS: For Grant Application

- Commissioner Shedd moved to approve the Indiana Department of Commerce Community Development Block Grant Small Cities Program Assurances and Certifications, CDBG Disclosure Report, Readiness to Proceed Certification, and Civil Rights Certification, seconded by Commissioner Knochel; motion carried.

**INTERLOCAL GOVERNMENTAL AGREEMENT FOR CDBG-FUNDED PROJECTS: Indiana
Department of Commerce**

Mrs. Rebmann said this is a sub-recipient agreement that spells out the responsibilities of New Directions but no action is required today:

(quote)

A. DESCRIPTION OF WORK TO BE PERFORMED BY SUBRECIPIENT:

- (1) New Directions, Inc., will be responsible for committing the local match in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) from an Affordable Housing Program (AHP) grant from the Federal Home Loan Bank of Indianapolis for the Indiana Department of Commerce Monitor Treatment Center renovation and expansion grant. New Directions, Inc., will be responsible for meeting all FHLB requirements.
- (2) New Directions, Inc., will be responsible for providing liability and property damage insurance for the facility.
- (3) New Directions, Inc., will own the Monitor Treatment facility and be responsible for all maintenance and repair cost.
- (4) New Directions, Inc., will maintain and operate the facility as a drug and alcohol treatment center for a period of 5 years after the Indiana Department of Commerce has issued a "Certificate of Completion".
- (5) Beneficiaries - New Directions is proposing to add 40 new beds through this project. They will meet all HUD requirements pertaining to occupancy. There will be full occupancy on the 40 beds (allowing for turnover every three months).
- (6) Low/Mod Requirements - At least 80% of all persons using the 40 beds must be of low and moderate income as per the HUD Section 8 income limits. Income verification will meet the requirements of the Hoosier Assurance Program.
- (7) Residency Requirements - At least 51% of all persons using the beds must come from non-entitlement areas for the 5 year compliance period.

(unquote)

STATE HOMELAND SECURITY GRANT PROGRAM: First Responder Equipment Sub-Grant Agreements Parts I & II: Emergency Management Director Steve Wettschurack

Mr. Wettschurack explained these sub-grant agreements with State Emergency Management Agency (SEMA) are to be used for the purchase of First Responder equipment from a list of specific items to ensure domestic preparedness. He said they will consider equipment for all response agencies in Tippecanoe County with a possible focus on equipment that individuals agencies cannot afford. First Responder Sub-Grant I in the amount of \$114,695.35 ends on March 31, 2005, and First Responder Sub-Grant II in the amount of \$377,779.08 ends on April 30, 2005.

President Benson encouraged Mr. Wettschurack to form a committee to help prioritize equipment purchases.

- Commissioner Shedd moved to approve First Responder Equipment Sub-Grant Agreement Part I in the amount of \$114,695.35, seconded by Commissioner Knochel; motion carried.
- Commissioner Shedd moved to approve First Responder Equipment Sub-Grant Agreement Part II in the amount of \$377,779.08, seconded by Commissioner Knochel; motion carried.

UPDATE: Planning Grant: Emergency Management Director Steve Wettschurack

The \$20,000 Planning Grant approved by the Commissioners last month is ready for submission to the State. It contains a Comprehensive Plan and a Terrorism Annex. Mr. Wettschurack said the money can be used to lease, not purchase, any equipment used for planning such as cameras or copiers but has to be spent by December 31, 2003.

CRIMINAL JUSTICE GRANT AGREEMENTS RATIFIED

The Commissioners were asked to ratify Grant Agreements already accepted:

CASA, in the amount of \$11,767, pays for a Special Projects Coordinator.

Heartford House, in the amount of \$33,235, pays for personnel and operating expenses.

YWCA/DVIP, in the amount of \$67,290, pays for personnel, Travel, and some operating expenses.

- Commissioner Shedd moved to ratify Criminal Justice Grant Agreements for CASA, Heartford House, and YWCA/DVIP, seconded by Commissioner Knochel; motion carried.

WATERSHED PLANNING GRANT

Mrs. Rebmann announced she received written notification earlier today that the County will receive a Watershed Planning Grant from the Indiana Department of Environmental Management. The grant, in the approximate amount of \$93,000, will be used by the County Surveyor for a Watershed Study in the southeastern part of the County.

RESOLUTION 2003-26-CM: Establishes Cum Bridge Fund Tax Rate

Resolution 2003-26-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to approve Resolution 2003-26-CM, seconded by Commissioner Knochel.

Attorney Luhman explained the Resolution establishes the maximum Cum Bridge Tax Rate at three and one half (\$.035) per hundred (\$100.00) dollars assessed valuation in 2004. In addition, the first \$400,000 interest earned on the Cum Bridge Fund for 2004 only shall be transferred to the County General Fund. He said the Commissioners agreed to this informally during the Special Commissioners' Meeting held on August 26, 2003.

- The motion carried.

MEMORANDUM OF AGREEMENT: Lafayette School Corp. for JEDIS

This Memorandum of Agreement between the Lafayette School Corporation and the Commissioners is for Juvenile Alternatives' JEDIS (Juvenile Education Day-reporting Intensive Services Program/Truancy Mediation Program). The Corporation agrees to provide up to \$16,000 from July 1, 2003 through June 30, 2004 for program costs.

- Commissioner Shedd moved to approve the Memorandum of Agreement with Lafayette School Corp. for the JEDIS Program, seconded by Commissioner Knochel; motion carried.

UNFINISHED/NEW BUSINESS

LETTER TO DEPARTMENT OF NATURAL RESOURCES: RE New Directions Department of Commerce Grant Application

Mrs. Rebmann explained the Commissioners sent a letter as part of the Historical Review in the Department of Commerce Grant Application. In the letter, the Commissioners acknowledged there were historical windows that New Directions plans to refurbish without adverse results in the Commissioners' opinion.

TREASURER: Saturday Hours: Treasurer Oneta Tolle

Mrs. Tolle announced the Treasurer's Office will be open from 8:00 A.M. to 1:00 P.M., Saturday, September 20, 2003 to give taxpayers additional time to pay before the deadline on the 22nd.

REPORTS

Reports from the Clerk, Court Services, County Public Library, Treasurer, Wabash Valley Hospital, and Weights & Measures are on file in the Commissioners' Office for review.

PUBLIC HEARING SCHEDULED: Vacation of a Public Way for Shaw

- Commissioner Shedd moved to set a Public Hearing for a Vacation request for Shaw on CR 550 E for 10:00 A.M., Monday, October 6, 2003, seconded by Commissioner Knochel; motion carried.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Knochel; motion carried.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor